

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN P. WILLIAMS,
and JAY HOWARD,

Case No. 17-12724

Plaintiffs,

Honorable Nancy G. Edmunds

v.

DEARBORN MOTORS 1, LLC,
d/b/a ALL PRO NISSAN OF DEARBORN,

Defendant.

/

**ORDER GRANTING PLAINTIFF HOWARD'S CORRECTED MOTION TO
RESUME PROCEEDINGS OF HIS CLAIMS IN FEDERAL COURT [32]**

The matter is before the Court on Plaintiff Jay Howard's Corrected Motion to Resume Proceedings of His Claims in Federal Court. (Dkt. 32.) This Court had previously entered an order compelling the arbitration of Plaintiff Howard's individual claims in this case due to an arbitration agreement he had entered into with Defendant. See *Williams v. Dearborn Motors 1, LLC*, No. 17-12724, 2018 U.S. Dist. LEXIS 87176, at *21 (E.D. Mich. May 24, 2018). Pursuant to that order, Plaintiff Howard's claims had been stayed pending arbitration. See *id.* Plaintiff's motion asserts that Defendant has failed to cooperate with arbitration. Defendant filed a response, stating that the parties had agreed upon on an arbitrator that was acceptable to both parties and, therefore, Plaintiff's motion is moot. (Dkt. 37.)

The Court held a hearing on January 16, 2019, with counsel for both parties present and Defense counsel informed the Court that Defendant no longer had the funds to pay for an arbitrator.

For the reasons stated on the record, Plaintiff Howard's Motion to Resume Proceedings of His Claims in Federal Court is GRANTED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 18, 2019

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 18, 2019, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager